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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Diana Zanini

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27777 7590 08/05/2008  
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EXAMINER

CHOI, FRANK I

ART UNIT

PAPER NUMBER

1616

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/028,400	<b>Applicant(s)</b> ZANINI ET AL.	
	<b>Examiner</b> FRANK I. CHOI	<b>Art Unit</b> 1616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,4-11,14-17,19,21-61 and 63-75 is/are pending in the application.
- 4a) Of the above claim(s) 25-54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-11,14-17,19,21-24,55-61 and 63-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20080221, 20070724, 20080723</u> .                            | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 55-61, 63-72 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Applicant amends claims in contain “up to about 200 ppm silver. The Specification indicates that about 20 ppm is the lower limit. The limitation "up to about 200 pm silver” includes amounts below about 20 ppm. As such, the claimed range exceeds the disclosed lower limit and is not supported by the Specification as originally filed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 55-61, 63-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 55-38855 in view of Gibbins et al. (US Pat. 6,605,751), the acknowledged prior art, Vanderlaan et al. (US Pat. 5,998,498), Laskey (US Pat. 3,929,741), Malecki et al., Tilley, Bennett and Young et al..

JP55-38855 disclose that 2-acryl amide-2-methyl propane sulfonic acid binds with antimicrobial metal, such as silver, which when formulated into films, including porous films, provides a time-releasable antimicrobial material having long-term effectiveness. It is disclosed that monomers copolymerizable with the binding monomer can be selected from a wide range according to the application of the producing antimicrobial material, and include ethylene, propylene, vinyl chloride, vinylidene chloride, vinyl acetic acid, acrylic acid ester, methacrylic acid ester, styrene, butadiene, acryl amide, aryl compound. It is disclosed that the antimicrobial metallic ions can be introduced by bringing the product in contact with said metal ions, for example soaking the product in an aqueous solution of silver nitrate for 20 minutes (See entire English translation of JP 55-38855, especially Pgs. 2-6, 9-13 thereof).

Gibbins et al. disclose the use of silver as an antimicrobial in contact lenses (Column 8, lines 58-67).

The Applicant acknowledges that soft contact lenses based on hydrogels are widely used because they are more comfortable but that extended use encourages the build of bacteria and other microbes (Pg. 1). It is acknowledged that examples of these soft contact lens, include etafilcon A, balafilcon A, aquafilcon A, lenefilcon, lotrafilcon and silicone hydrogels (Pg. 20, lines 1-8).

Vanderlaan et al. teach that soft contacts can be prepared from silicone hydrogels which combine silicone containing monomers and hydrophilic monomers (See entire reference, especially column 5).

Laskey teaches that hydrophilic monomers of acrylamido sulfonic acid or sulfonate are suitable for soft contact lenses and have greater water retention and because of a greater ability for cross-linking have increased flexibility in the modification of physical properties (Column 1).

Malecki et al. disclose methods of determining stability constants of silver with various ligands and that antibacterial activity is related to solubility (Abstract).

Tilley disclose determination of stability constants of various complexes with silver (Abstract).

Bennett discloses that good movement is one of the factors important for good contact lens performance (Abstract).

Young et al. discloses tests for determining contact lens movement (abstract).

The prior art discloses the complexes of silver with ligands and contact lenses containing the same. The difference between the prior art and the claimed invention is that the prior art does not expressly disclose an antimicrobial contact lens comprising silver and a polymer comprising a monomer of formula I. However, the prior art amply suggests the same as antimicrobial soft contact lenses containing silver and monomers falling within the scope of formula I are disclosed by the prior art. As such, it would have been well within the skill of and one of ordinary skill in the art would have been motivated to modify the prior art as above with the expectation the soft contact lenses produced would have antimicrobial properties and be time-releasable while having long-term effectiveness and, thus, avoid the problems associated with extended wear. Further, it would have been well within the skill of one of ordinary skill in the art to determine the stability constant of a given silver complex with the binding monomer with the expectation that the relative antimicrobial activity could be predicted. Furthermore, it would have been well within the skill of one of ordinary skill in the art to prepare the antimicrobial lens by soaking the lens containing the binding monomer in an aqueous solution containing the silver ions with the expectation that the silver ions would bind with the binding monomers contained in the contact lens. Finally, it would have been well within one ordinary

skill in the art to assess contact lens movement with the expectation that determining lens movement would facilitate good contact lens performance.

The Examiner has duly considered the Applicant's arguments but deems them unpersuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Further, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

The Supreme Court in *KSR International Co. v. Teleflex Inc.*, held the following:

(1) the obviousness analysis need not seek out precise teachings directed to the subject matter of the challenged claim and can take into account the inferences and creative steps that one of ordinary skill in the art would employ;

(2) the obviousness analysis cannot be confined by a formalistic conception of the words teaching, suggestion and motivation, or by overemphasis on the importance of published articles and the explicit content of issued patents;

(3) it is error to look only the problem the patentee was trying to solve-any need or problem known in the field of endeavor at the time of invention and addressed by the prior art can provide a reason for combining the elements in the manner claimed;

(4) it is error to assume that one of ordinary skill in the art in attempting to solve a problem will be led only to those elements of prior art designed to solve the same problem-common sense teaches that familiar items may have obvious uses beyond their primary purposes, and in many cases one of ordinary skill in the art will be able to fit the teachings of multiple patents together like pieces of a puzzle (one of ordinary skill in the art is not automaton);

(5) it is error to assume that a patent claim cannot be proved obvious merely by showing that the combination of elements was “obvious to try”. *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396, 1397 (U.S. 2007).

JP'181 is no longer part of the rejection herein, as such, the Applicant's argument with respect to the same are moot.

As indicated above, there is no requirement in a rejection based on a combination of references for each reference to disclose or suggest all components or elements of the claimed invention. As such, the mere fact that Vanderlaan, Laskey, Malecki et al, Tilley, Bennett, Young or JP 55-38855 do not disclose one or more of the elements of the claimed invention is not sufficient to overcome the rejection.

The Applicant argues that the taken the claims of the present and used it as a template to pick an choose among elements from nine different references. However, “[a]ny judgement on

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obviousness is in a sense necessarily a reconstruction based on hindsight reasoning, but so long as it takes into account only knowledge which was within the level of ordinary skill in the art at the time the claimed invention was made and does not include knowledge gleaned only from applicant's disclosure, such a reconstruction is proper." *In re McLaughlin*, 443 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA 1971). The prior art, as indicated above, discloses a monomer of formula I which binds silver and is incorporated in films. The prior art discloses the combination of silver and contact lenses to form antimicrobial contact lenses. The prior art discloses that the monomer of formula I is used in the formation of contact lenses. As such, it would have been well within the skill of one of ordinary skill in the art to add silver to contact lenses containing the monomer of formula I with the expectation that the silver would be bound to the contact lens and provide antimicrobial activity. Further, the Examiner has provided reasoning for selecting stability constants, preparing the antimicrobial lens by soaking in a silver solution, selecting the monomer based on its binding properties with respect to silver and selecting a lens that has sufficient eye movement, as indicated above. As such, contrary to the Applicant's arguments, the Examiner has provided reasoning to combine and/or modify the prior art which based on the teachings of the prior art, not knowledge gleaned only from the applicant's claims or disclosure.

Contrary to the Applicant's arguments, the prior art does disclose some factors that effect movement of the lens on the eye and clinical data. See Bennet (Abstract) and Young (Abstract). The Applicant argues that there is no suggestion that antimicrobial concentration would have any impact on eye-movement. However, only claims 64-67, 71, 72 claim movement on the eye as a limitation. As admitted by the Applicant, the prior art does disclose amounts of silver falling within the claimed amounts. As such, it well within the skill of one of ordinary skill in the art to use amounts of silver falling within the scope of the claimed invention based on the amount of



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antimicrobial activity desired. In the case where the claimed ranges “overlap or lie inside ranges disclosed by the prior art” a prima facie case of obviousness exists. *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976); *In re Woodruff*, 919 F.2d 1575, 16 USPQ2d 1934 (Fed. Cir. 1990) (The prior art taught carbon monoxide concentrations of “about 1-5%” while the claim was limited to “more than 5%.” The court held that “about 1-5%” allowed for concentrations slightly above 5% thus the ranges overlapped.); *In re Geisler*, 116 F.3d 1465, 1469-71, 43 USPQ2d 1362, 1365-66 (Fed. Cir. 1997) (Claim reciting thickness of a protective layer as falling within a range of “50 to 100 Angstroms” considered prima facie obvious in view of prior art reference teaching that “for suitable protection, the thickness of the protective layer should be not less than about 10 nm [i.e., 100 Angstroms].” The court stated that “by stating that suitable protection’ is provided if the protective layer is about’ 100 Angstroms thick, [the prior art reference] directly teaches the use of a thickness within [applicant’s] claimed range.”). Further, the prior art, as indicated above, discloses that the element of eye movement is a factor that one of ordinary skill in the art would take into account in preparing and fitting a contact lens, regardless of whether the contact lens contains silver. As such, one of ordinary skill in the art would have naturally arrived at the claimed invention when balancing antimicrobial activity and desired movement of the contact lenses on the eye. The fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). See also, *Pfizer Inc., v. Apotex Inc.*, 82 USPQ2d 1321, 1338 (Fed. Cir. 2007) (“[E]ven though applicant's modification results in great improvement and utility over the prior art, it may still not be patentable if the modification was within the capabilities of one skilled in the art.”).

Even if the effect of silver on movement on the eye was unexpected, said evidence is not commensurate in scope with the claimed invention. Since movement on the eye is a factor to be considered when preparing contact lenses. Further, the Specification indicates in a statistically significant patient population, lenses that may be suitable for one patient may not be suitable for another and that lenses having sufficient movement are lenses that move on at least about 50% to about 100% of a given patient population (Specification, Page 32, lines 5-10). As such, silver content is not the sole determinant of whether the contact lens has sufficient eye movement. As such, the evidence obtained is based on the formulation of the contact lens, the amount silver and the patient population tested. Figure 2 shows that for Lens Q, at 200 ppm of Ag, the plot curve indicates that only 40% of the lenses had acceptable movement which appears to be outside of the scope of claims 64-67, 72. The plot curve in Figure 2 is based on data from Lens N & G, as such, there is no indication as to what the plot curve would be for each of the different type of lens. However, the combined data shows that about 55% of the combined Lens N & G were acceptable which appears outside the scope of claims 66 and 67. As such, contrary to the Applicant's arguments, the evidence is not sufficient for one of ordinary skill in the art to conclude that all lens formulations, containing monomers of formula I, falling within the scope of the claimed invention and containing "up to 200 ppm" silver would exhibit sufficient eye movement. See *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 778 (Fed. Cir. 1983) (evidence of superior properties for sodium containing composition insufficient to establish the non-obviousness of broad claims for a catalyst with "an alkali metal" where it was well known in the catalyst art that different alkali metals were not interchangeable and applicant had shown unexpected results only for sodium containing materials); *In re Greenfield*, 571 F.2d 1185, 1189, 197 USPQ 227, 230 (CCPA 1978) (evidence of superior properties in one species insufficient to

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establish the nonobviousness of a subgenus containing hundreds of compounds); *In re Lindner*, 457 F.2d 506, 508, 173 USPQ 356, 358 (CCPA 1972) (one test not sufficient where there was no adequate basis for concluding the other claimed compounds would behave the same way).

Therefore, the claimed invention, as a whole, would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, because every element of the invention has been collectively taught by the combined teachings of the references.

Claims 55-61, 63-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP55-38855 in view of Gibbins et al. (US Pat. 6,605,751), the acknowledged prior art, Vanderlaan et al. (US Pat. 5,998,498), JP 55-048855, Malecki et al., Tilley, Bennett and Young et al., and either Mueller (US Pat. 5,011,275) or Rostoker et al. (US Pat. 4,038,264).

JP55-38855, Gibbins et al. (US Pat. 6,605,751) the acknowledged prior art, Vanderlaan et al., JP 55-038855, Malecki et al., Tilley, Bennett and Young et al. are cited for the same reasons as above and are incorporated herein to avoid repetition.

Mueller discloses a copolymer having high clarity, high hydrophilicity, high oxygen permeability which, in the water swollen state, is soft and flexible, which is suitable for use in soft contact lenses and preferably contains 0.1-10 percent by weight of an ethylenically unsaturated sulfonic acid, such as 2-methacrylamido-2-methyl propane-sulfonic acid (Column 3, Column 4, lines 1-43, Column 12, lines 6-22, Column 6, lines 19-23).

Rostoker et al. disclose that minor amounts of sodium 2-acrylamide-2-methylpropane sulfonic acid, up to 40 percent by weight, to modify the properties of a water-insoluble, hydrophilic polymer which is especially suitable for preparing contact lenses (Column 1, Column 2, lines 1-25, Column 9, Column 10).

The prior art discloses the complexes of silver with ligands and contact lenses containing the same. The difference between the prior art and the claimed invention is that the prior art does not expressly disclose an antimicrobial contact lens comprising silver and a polymer comprising a monomer of formula I. However, the prior art amply suggests the same as antimicrobial soft contact lenses containing silver and monomers falling within the scope of formula I are disclosed by the prior art. As such, it would have been well within the skill of one of ordinary skill in the art to modify the prior art as above with the expectation the soft contact lenses produced would have antimicrobial properties and be time-releasable while having long-term effectiveness and, thus, avoid the problems associated with extended wear and that minor amounts of 2-acrylamide-2methylpropane sulfonic acid can be used to modify the properties of the polymer as desired with the expectation of arriving at a polymer suitable for use in contact lens. Further, it would have been well within the skill of one of ordinary skill in the art to determine the stability constant of a given silver complex with the binding monomer with the expectation that the relative antimicrobial activity could be predicted. Furthermore, it would have been well within the skill of one of ordinary skill in the art to prepare the antimicrobial lens by soaking the lens containing the binding monomer in an aqueous solution containing the silver ions with the expectation that the silver ions would bind with the binding monomers contained in the contact lens. Finally, it would have been well within one ordinary skill in the art to assess contact lens movement with the expectation that determining lens movement would facilitate good contact lens performance.

The Examiner has duly considered the Applicant's arguments but deems them unpersuasive for the same reasons as above and the further reasons below.

As indicated above, since the rejection is based on a combination of references, the mere fact that Mueller et al. and Rostoker et al. do not disclose or suggest all elements or components of the claimed invention is not sufficient to overcome the rejection. Further, contrary to the Applicant's arguments, the examiner has provided the reasoning to combine and/or modify the prior art as indicated above.

Therefore, the claimed invention, as a whole, would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, because every element of the invention has been collectively taught by the combined teachings of the references.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1,4-11,14-17, 19, 21-24,55-61, 68-70, 73-75 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22,24-27 of copending Application No. 10/734,762. Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending applications

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disclose a method of preparing antimicrobial contact lenses wherein the antimicrobial contact lenses contain the same monomers and antimicrobial silver, and preparation of the contact lens by soaking the contact lens containing said monomers in an aqueous silver solution, such as a silver nitrate for a period of at least 20 minutes, as that claimed in the present application.

The Examiner has duly considered the Applicant's arguments but deems them unpersuasive.

Contrary to the Applicant's arguments 10/703,770 do not contain the additional elements; in fact, 10/703,770 has been abandoned. Co-pending application 10/734,762 has not abandoned and does contain the additional elements. However, the fact that the claims in '762 application contain additional elements is not sufficient to overcome the provisional rejection herein as the claims of the pending application do not exclude the additional elements. In other words, it is not necessary that the claims of the 10/734,762 application be obvious in view of only that the claims of the present application be obvious in view of the claims of the '762 application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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A facsimile center has been established in Technology Center 1600. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier number for accessing the facsimile machine is 571-273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Choi whose telephone number is (571)272-0610. Examiner maintains a compressed schedule and may be reached Monday, Tuesday, Thursday, Friday, 6:00 am – 4:30 pm (EST).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Johann R. Richter, can be reached at (571)272-0646. Additionally, Technology Center 1600's Receptionist and Customer Service can be reached at (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frank Choi  
Patent Examiner  
Technology Center 1600  
August 5, 2008

/Johann R. Richter/  
Supervisory Patent Examiner, Art Unit 1616